

MEMORANDUM

January 27, 1972

19

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Petition No. Z-2361
National Realty Trust
480 Boylston Street,
Boston

Petitioner seeks a conditional use permit for a change of occupancy from store and offices to store, offices and take-out restaurant in a general business (B-8) district. The proposal violates the code as follows:

Section 8-7. A take-out restaurant is conditional in a B-8 district.

The property, located on Boylston Street between Berkeley and Clarendon Streets, contains a six-story office and commercial structure. The facility will be located in the first floor lobby primarily as a service to occupants of the structure. Entrance will be solely from within. The proposal complies with the conditions required for approval under Section 6-3 of the code. Recommend approval.

VOTED: That in connection with Petition No. Z-2361, brought by National Realty Trust, 480 Boylston Street, Boston, for a conditional use permit for a change of occupancy from store and offices to store, offices and take-out restaurant in a general business (B-8) district, the Boston Redevelopment Authority recommends approval. The proposed take-out restaurant facility, primarily as a service to the building occupants, complies with conditions required for approval under Section 6-3 of the code.

Board of Appeal Referrals 1/27/72

Petition No. Z-2360
Robert Levine
50-56 Broadlawn Park,
West Roxbury

Petitioner seeks a forbidden use permit and five variances to erect a five-story 110 unit apartment dwelling in a residential (R-.5) district. The proposal violates the code as follows:

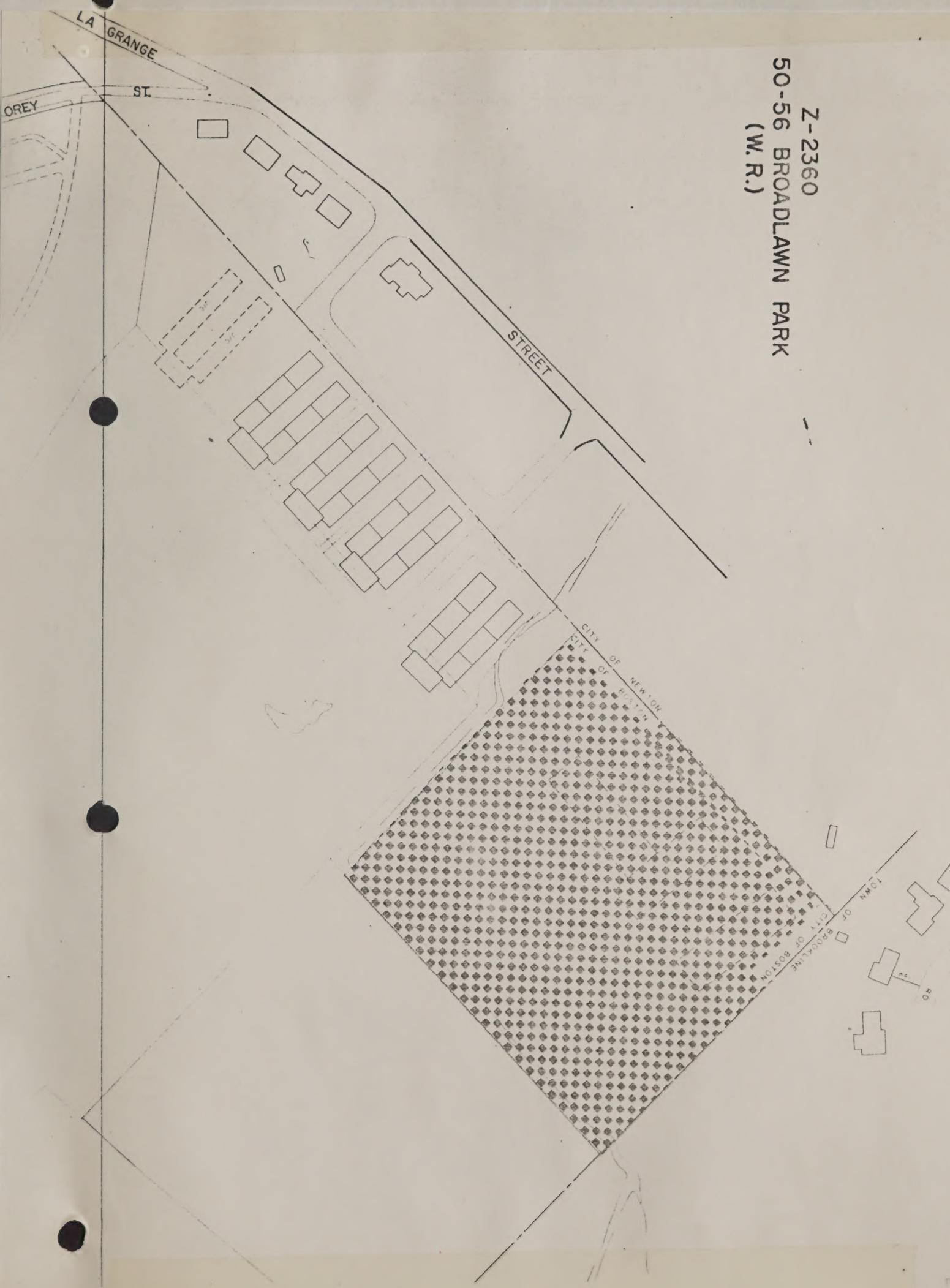
		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A multi-family dwelling is forbidden in an R-.5 district.		
Section 14-2.	Lot area for additional dwelling unit is insufficient.	3000 sf/du	1185 sf/du
Section 15-1.	Floor area ratio is excessive.	0.5	0.7
Section 16-1.	Height of building is excessive.	2 stories 35 ft.	5 stories 45 ft.
Section 17-1.	Open space is insufficient.	1000 sf/du	361 sf/du
Section 20-1.	Rear yard is insufficient.	40 ft.	18 ft.

The property, located on Broadlawn Park near the intersection of LaGrange Street at the Newton-Brookline lines, contains two, three-story apartment structures (approximately 145 units). The proposed development represents a further incremental, but substantial, change in the character of the area. These incremental changes have been taking place in the absence of an overall master plan from the developers and have resulted in an uncoordinated series of multi-family developments. The staff recommends that the developer submit a master plan indicating any further development and initiate the planned development area process. Recommend denial.

VOTED: That in connection with Petition No. Z-2360, brought by Robert Levine, 50-56 Broadlawn Park, West Roxbury, for a forbidden use permit and five variances to erect a five story, 110 unit apartment dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. The proposed development represents a further incremental, but substantial, change in the character of the area. These incremental changes have been taking place in the absence of an overall master plan from the developers and have resulted in an uncoordinated series of multi-family developments. It is recommended that the developer submit a master plan to the Authority indicating any further development and initiate the planned development area process.

Z-2360

50-56 BROADLAWN PARK
(W.R.)



Petition No. Z-2367
Morris Galer
708 Commonwealth Avenue
Boston

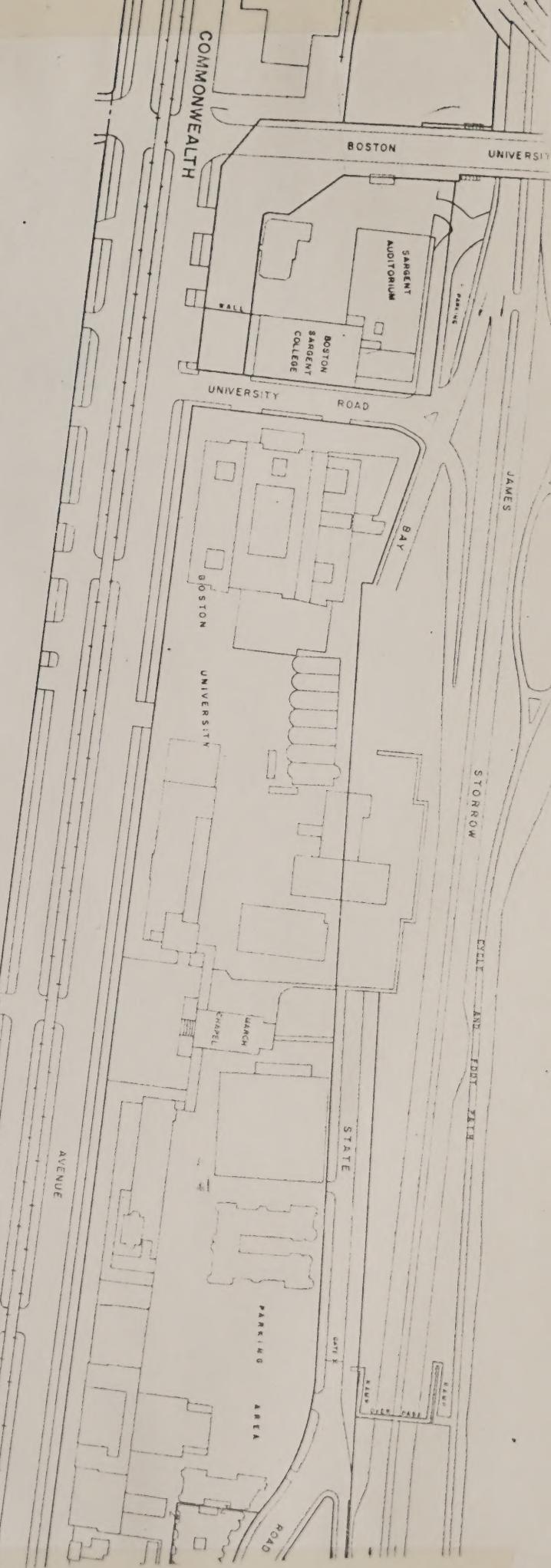
Petitioner seeks two forbidden use permits and two variances to erect a three story and basement addition and for a change of occupancy from two apartments, retail store and restaurant to four apartments, retail store and restaurant in an apartment (H-4) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A restaurant is forbidden in an H-4 district.		
Section 8-7. A retail store is forbidden in an H-4 district.		
Section 18-4. Front yard is not provided. 15 ft.	1	0
Section 23-7. Off street parking not provided. 3 spaces	1	0

The property, located on Commonwealth Avenue between Cummington Street and St. Mary's Street, contains a three story and basement residential structure. The proposed addition at the rear of the structure will expand the basement restaurant, first floor retail store and create two apartments on the upper floors. This expansion will establish an undesirable precedent in the neighborhood and intensify problems of service, light, air and parking. The violations are significant and the proposal does not meet the conditions required for a variance under Section 7-3 of the code. Recommend denial.

VOTED: That in connection with Petition No. Z-2367, brought by Morris Galer, 708 Commonwealth Avenue, Boston, for two forbidden use permits and two variances to erect a three story and basement addition and for a change of occupancy from two apartments, retail store and restaurant to four apartments, retail store and restaurant in an apartment (H-4) district, the Boston Redevelopment Authority recommends denial. The proposed expansion will establish an undesirable precedent in the neighborhood and intensify problems of service, light, air and parking. The violations are significant and the proposal does not meet the conditions required for a variance under Section 7-3 of the code.

Z-2367
708 COMMONWEALTH
(B. P.)



Petition No. Z-2374
Union Oil Company
295 Waldemar Avenue, East Boston

Petitioner seeks a conditional use permit to erect a gasoline service station in a general business (B-1) district. The proposal violates the code as follows:

Section 8-7. A gasoline service station is conditional in a B-1 district.

The property, located on Waldemar Avenue at the intersection of McClellan Highway, contains an abandoned gasoline service station structure which will be demolished. The new facility will be utilized for the sale of petroleum products only. The staff recommends the following provisos: that gas pumps be situated so that cars entering from McClellan Highway can exit on Waldemar Avenue and vice versa; that a sidewalk and curb be constructed at the intersection of McClellan Highway and Waldemar Avenue per City of Boston Public Works Department specifications; that a 30 foot wide curb cut on Waldemar Avenue be at least 40 feet from the point of curve and approved by the City of Boston Public Works Department; the curb cut on McClellan Highway will have to be approved by the State Highway Department. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2374, brought by Union Oil Company, 295 Waldemar Avenue, East Boston, for a conditional use permit to erect a gasoline service station in a general business (B-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that gas pumps be situated so that cars entering from McClellan Highway can exit on Waldemar Avenue and vice versa; that a sidewalk and curb be constructed at the intersection of McClellan Highway and Waldemar Avenue per City of Boston Public Works Department specifications; that a 30 foot wide curb cut on Waldemar Avenue be at least 40 feet from the point of curve and approved by the City of Boston Public Works Department; that the curb cut on McClellan Highway be approved by the State Highway Department.

SUFFOLK DOWNS

Z-2374
295 WALDEMAR AVE.
(E.B.)



Petition No. Z-2376
Andrew Shenk
Juliet Gibson Professional
School for Women
273 Commonwealth Avenue,
Boston

Petitioner seeks two conditional use permits for a change of occupancy from a Red Cross chapter house to a professional school, staff residence, dormitory and two apartments in an apartment (H-5-70) district. The proposal violates the code as follows:

Section 8-7. A dormitory is conditional in an H-5-70 district.
Section 8-7. A professional school is conditional in an H-5-70 district.

The property, located on Commonwealth Avenue at the intersection of Gloucester Street, contains a four-story masonry structure. The petitioner is presently occupying the structure as a school, staff residence and student dormitory without a permit from the Building Department. The uses are undesirable and inimical to the residential program of the Back Bay area. All neighborhood civic associations indicate firm opposition to this institutional encroachment. Recommend denial.

VOTED: That in connection with Petition No. Z-2376, brought by Andrew Shenk, 273 Commonwealth Avenue, for two conditional use permits for a change of occupancy from a Red Cross chapter house to a professional school, staff residence, dormitory and two apartments in an apartment (H-5-70) district, the Boston Redevelopment Authority recommends denial. The petitioner is presently occupying the structure as a school, staff residence and student dormitory without a permit from the Building Department. The uses are undesirable and inimical to the residential program of the Back Bay area. All neighborhood civic associations indicate rigid opposition to this institutional encroachment.



Petition No. Z-2377
Hotel Hemenway Trust
Stanley Ziman, Trustee
91 Westland Avenue, Boston

Petitioner seeks two variances for a change of occupancy from a 96 room hotel to 58 apartments and drug store in an apartment (H-3) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 17-1. Open space is insufficient.	100 sf/du	63 sf/du
Section 23-1. Off street parking is insufficient.	8 spaces	0

The property, located on Westland Avenue at the intersection of Hemenway Street in the Fenway Urban Renewal Project, contains an eight-story structure. The petition would essentially legalize an existing condition; in recent years, the structure has been utilized as an apartment hotel. The proposed use is consistent with the residential objectives of the Fenway Urban Renewal Plan. Recommend approval.

VOTED: That in connection with Petition No. Z-2377, brought by Hotel Hemenway Trust, Stanley Ziman, Trustee, 91 Westland Avenue, in the Fenway Urban Renewal Area, for two variances for a change of occupancy from a hotel to 58 apartments and drug store in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval. The apartment use is consistent with the residential objectives of the Fenway Urban Renewal Plan.



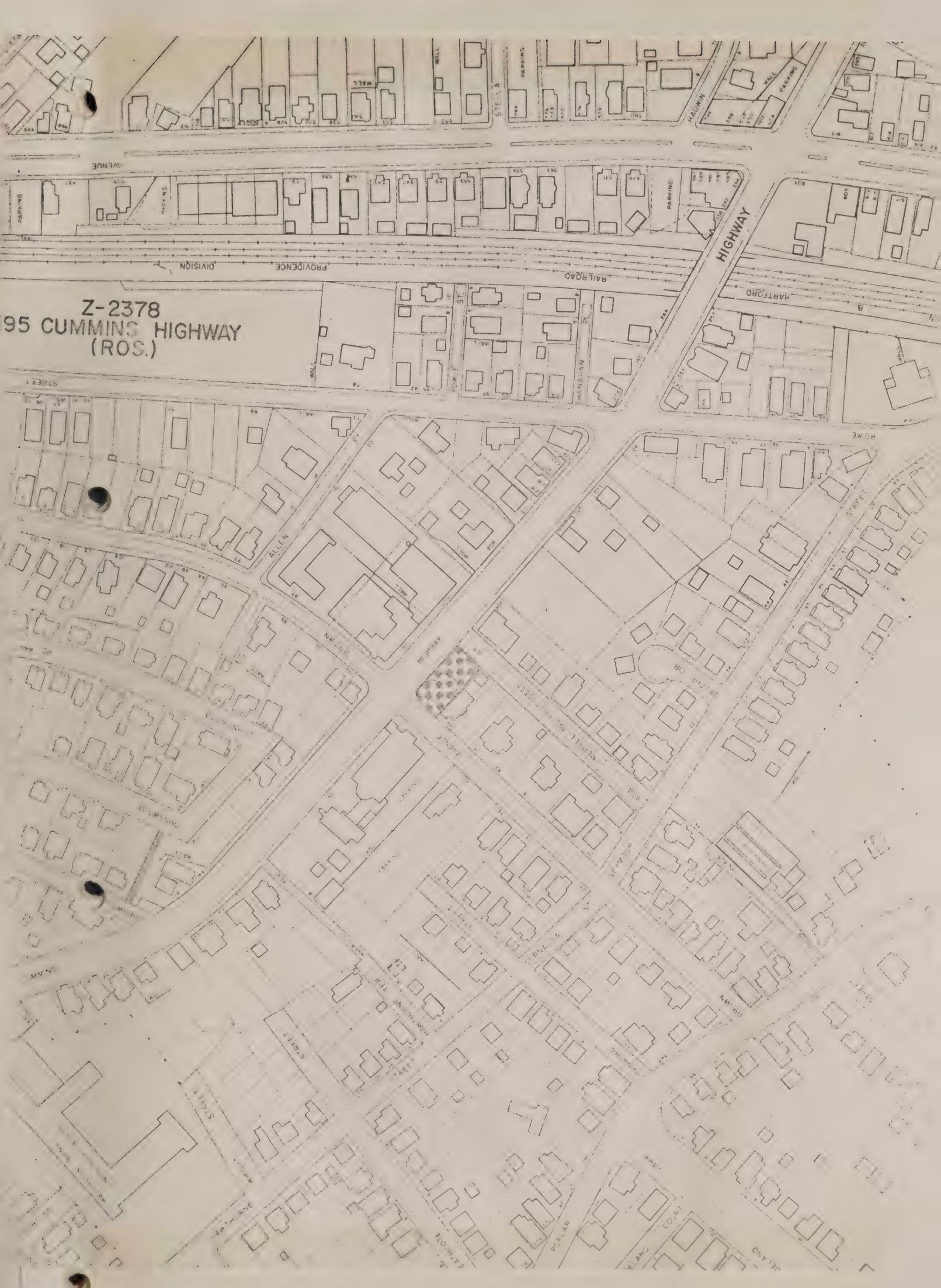
Petition No. Z-2378
Estate of John R. Wall
195 Cummins Highway,
Roslindale

Petitioner seeks a forbidden use permit for a change of occupancy from a single family dwelling to a funeral home in a residential (R-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A funeral home is forbidden in an R-.5 district.		
Section 14-2. Lot area for additional unit is insufficient.	3000 sf/du	1765 sf/du
Section 23-4. Off street parking is insufficient.	6 spaces	2 spaces

The property, located on Cummins Highway at the intersection of Brown Avenue, contains a 2½ story frame structure. The petitioner is presently located at 38 Cummins Highway, one block from Washington Street. The proposal will increase traffic and parking congestion in this one and two family residential neighborhood. The abutting dwelling on Brown Avenue will be seriously affected by the proposed facility. Recommend denial.

VOTED: That in connection with Petition No. Z-2378, brought by the Estate of John R. Wall, 195 Cummins Highway, Roslindale, for a forbidden use permit and two variances for a change of occupancy from a single family dwelling to a funeral home in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. The proposal will increase traffic and parking congestion in this one and two family neighborhood and will have an injurious effect on the abutting residential property.



Board of Appeal Referrals 1/27/72

Petition No. Z-2380

Michael Buczacz & Robert Smyth
22 Brighton Street, Charlestown

Petitioner seeks a forbidden use permit and a variance to legalize the occupancy of an existing two family dwelling in an apartment (H-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A dwelling converted for more families and not meeting the requirements of lot area is forbidden in an H-1 district.		
Section 14-2. Lot area for additional dwelling unit is insufficient.	1000 sf/du	0

The property, located on Brighton Street near the intersection of Cambridge Street, contains a three-story frame structure. It is proposed to legalize a condition that apparently has existed for many years. Both apartments have been inspected by the Charlestown Project rehab staff and are being rehabilitated. The two family occupancy is consistent with the two family residential character of the block. Recommend approval.

VOTED: That in connection with Petition No. Z-2380, brought by Michael Buczacz & Robert Smyth, 22 Brighton Street, Charlestown, for a forbidden use permit and a variance to legalize the occupancy of an existing two family dwelling in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. The two family occupancy, which apparently has existed for many years, is consistent with the two family residential character of the block.

Z-2380

22 BRIGHTON ST.

(Chsn.)

三

Board of Appeal Referrals 1/27/72

Petition No. Z-2381
Bethel Doherty
48-50 Tuttle Street,
Dorchester

Petitioner seeks a conditional use permit for a change of occupancy from a two family dwelling to a two family dwelling and a telephone answering service in a residential (R-.8) district. The proposal violates the code as follows:

Section 8-7. A telephone answering service is conditional in an R-.8 district.

The property, located on Tuttle Street near the intersection of Zavin Hill Avenue, contains a 2½ story frame dwelling. The petitioner proposes to utilize one room on her first floor apartment for the service. There would be no significant effect on adjacent properties. Recommend approval.

VOTED: That in connection with Petition No. Z-2381, brought by Bethel Doherty, 48-50 Tuttle Street, Dorchester, for a change of occupancy from a two family dwelling to a two family dwelling and a telephone answering service in a residential (R-.8) District, the Boston Redevelopment Authority recommends approval. The service will have no significant effect on adjacent properties.

Z-2381

48-50 TUTTLE ST.
(DOR.)

Board of Appeal Referrals 1/27/72

Petition No. Z-2382
Kiddie Land Nursery
John A. Bridges
106 Rossetter Street,
Dorchester

Petitioner seeks a conditional use permit for a change of occupancy from a three-family dwelling to a two family dwelling and day care center in a residential (R-.8) district. The proposal violates the code as follows:

Section 8-7. A day care center is conditional in an R-.8 district.

~~The~~ property, located on Rossetter Street near the intersection of ~~Ballard~~ Street, contains a three-story frame dwelling. The ~~first~~ floor is already being utilized for the day care operation. Accommodations are provided for 19 children. The staff recommends that the facility comply with state and local health and safety regulations. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-2382, brought by Kiddie Land Nursery & John A. Bridges, 106 Rossetter Street, Dorchester, for a conditional use permit for a change of occupancy from a three family dwelling to a two family dwelling and day care center in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval provided the facility complies with state and local health and safety regulations.



Z-2382
06 ROSSETTER ST.
(D.R.)

Board of Appeal Referrals 1/27/72

Petition No. Z-2385
Our Saviors Lutheran Church, Inc.
500 Talbot Avenue, Dorchester

Petitioner seeks a conditional use permit for a change of occupancy from a church to a church and day care center in a residential (R-.8) district. The proposal violates the code as follows:

Section 8-7. A day care center is conditional in an R-.8 district.

The property, located on Talbot Avenue at the intersection of Argyle Street, contains a church. The proposed facility, which will accommodate 15 children, is much needed in the area and conforms with code requirements for a conditional use permit. Recommend approval.

VOTED: That in connection with Petition No. Z-2385, brought by Our Saviors Lutheran Church, Inc., 500 Talbot Avenue, Dorchester, for a conditional use permit for a change of occupancy from a church to a church and day care center in a residential (R-.8) district, the Boston Re-development Authority recommends approval. The proposed facility which is much needed in the area conforms with code requirements for a conditional use permit.



Board of Appeal Referrals 1/27/72

Petition No. Z-2386
Lombardo Realty
Paul J. Lombardo, President
174 Border Street,
East Boston

Petitioner seeks two conditional use permits to erect a two-story gasoline service station, car wash and office structure in a waterfront (W-2) district. The proposal violates the code as follows:

Section 8-7. A gasoline service station is conditional in a W-2 district; a car wash is conditional in a W-2 district.

The property, located on Border Street at Central Square, contains approximately 8,000 square feet of land. This proposal is in conflict with current studies and preliminary plans developed by the BRA and the East Boston Recreation, Planning and Land Use Advisory Council. These plans tentatively include residential units, open space and community facilities. The use will also be incompatible with a proposed residential and elementary school development on an adjacent site. Existing vehicular traffic and parking problems in Central Square would be further intensified by the facility. Recommend denial.

VOTED: That in connection with Petition No. Z-2386, brought by Lombardo Realty, 174 Border Street, East Boston, for two conditional use permits to erect a two-story gasoline service station, car wash and office structure in a waterfront (W-2) district, the Boston Redevelopment Authority recommends denial. The proposal is in conflict with current studies and preliminary plans developed by the Authority and the East Boston Recreation, Planning and Land Use Advisory Council. These plans tentatively include residential units, open space and community facilities. The use will also be incompatible with a proposed residential and elementary school development on an adjacent site. Existing vehicular traffic and parking problems in Central Square would be further intensified by the facility.



Board of Appeal Referrals 1/27/72

Petition No. Z-2396
Boston Stone Heritage Trust
J. Linzee Coolidge, Trustee
7-9 Marshall St., 114-122 Blackstone
St., 151-155 Hanover Street, Boston

Petitioner seeks a conditional use permit for a change of occupancy from retail store, manufacturing and offices to retail stores, offices, and restaurant in a general business (B-8) district. The proposal violates the code as follows:

Section 8-7. Sale over the counter of on-premises prepared food or drink for off premises consumption or for on premises consumption if, as so sold, such food or drink is ready for take out is conditional in a B-8 district.

The property, located at the intersection of Hanover, Marshall and Blackstone Streets, contains a three-story brick structure. The street level restaurant is already in operation. The uses are consistent with the retail-commercial activities of the area. Recommend approval.

VOTED: That in connection with Petition No. Z-2396, brought by Boston Stone Heritage Trust, J. Linzee Coolidge, Trustee, 7-9 Marshall, 114-122 Blackstone, 151-155 Hanover Streets, Boston, for a conditional use permit for a change of occupancy from retail store, manufacturing and offices to retail stores, offices and restaurant in a general business (B-8) district, the Boston Redevelopment Authority recommends approval. The uses are consistent with the retail-commercial activities of the area.



